

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 6, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-28322 - APPLICANT/OWNER: SCHNIPPEL FAMILY LP

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3/sd, vq vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval for a 21 space parking Variance.
2. Approval of and conformance to the conditions for Site Development Plan Review (SDR-28324) and Vacation (VAC-25984) if approved.
3. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow 362 parking spaces where 369 are required for a proposed 234-unit condominium development. This development was originally approved through Site Development Plan Review (SDR-25985) to provide 380 parking spaces, however the applicant has stated that several site grading issues were not taken into account when designing the project. As a result, several surface parking spaces have been removed and this parking Variance has been submitted. In addition to this Variance, a Major Modification to an approved Site Development Plan Review (SDR-25985) for a 234-unit condominium development has been submitted as a companion item. This Major Modification includes requests for Waivers to allow a six-foot perimeter landscape buffer where 10 feet is required, 43,180 square feet of open space where 44,195 square feet was approved, a zero-foot upper floor setback from parking where two feet is required and zero parking lot landscape islands where 10 are required. The density and number of condominium units remain the same as what was originally approved. The Master Developer has supplied a letter which states that the Providence Design Review Committee has reviewed the parking Variance requested and is in support of it. Staff finds that the Variance and multiple Waivers requested for this project indicate that the site is overbuilt; therefore denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/05/03	The City Council approved an annexation (A-0035-02) of over 1,056 acres in the area bounded by Hualapai Way to the east, Grand Teton Drive to the north, Puli Road to the west and Centennial Parkway and the Beltway alignment to the south, including the subject sites of this Rezoning request. The Planning Commission and staff recommended approval of this request. The effective date of this annexation was 02/14/03.
03/19/03	The City Council approved a Rezoning (ZON-1520) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 317.5 acres covering 68 separate parcels in the Cliff's Edge area, and approved the related Cliff's Edge Master Development Plan to regulate development and the provision of infrastructure in the area. The Planning Commission and staff recommended approval.

07/16/03	The City Council approved a Rezoning (ZON-2184) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 704 acres covering 21 separate parcels in the Cliff's Edge area, and approved text modifications to the related Cliff's Edge Master Development Plan to address conditions of approval of Rezoning (ZON-1520). The Planning Commission and staff recommended approval of this request.
11/20/03	A request for a Minor Modification to the Cliff's Edge Master Development Plan (MOD-3189) allowing reduced street widths under certain conditions in limited portions of the Plan area was administratively approved by the Planning and Development Department.
02/18/04	The Cliff's Edge Development Agreement (DIR-3451) was introduced to the City Council at this time. It was approved in ordinance form on 03/17/04. The Planning Commission and staff recommended approval.
05/05/04	The City Council approved a request for a Major Modification to the Cliff's Edge Master Development Plan (MOD-2955) to change land use designations from Village Commercial to Medium Low Density Residential and Medium Density Residential; from Medium Density Residential to Residential Small Lot; and from Medium Low Density Residential to Pump & Reservoir; to modify Section 6.2.3 regarding retaining walls; and to modify Table 1 (Section 2.2) to reflect changes to the land use categories on 40 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission recommended approval of this request.
05/27/04	A request for a Minor Modification to the Cliff's Edge Master Development Plan and Design Guidelines (MOD-4237) to include an exhibit depicting cross sections for private interior residential streets was administratively approved by the Planning and Development Department.
06/16/04	The City Council approved an amendment to the Master Plan of Streets and Highways (MSH-4197) to add major roads within the Cliff's Edge Master Development Plan area, generally located between Grand Teton Drive and Clark County 215, and between Puli Road and Hualapai Way. The preparation and submission of this request was a condition of approval of the Cliff's Edge parent Tentative Map, as approved by the Planning Commission on 03/11/04.
08/03/05	The City Council approved a request for a Major Modification to the Cliff's Edge Master Development Plan (MOD-6279) to change land use designations from ML (Medium Low Density Residential) to L (Low Density Residential) and RSL (Residential Small Lot), from L (Low Density Residential) to ML (Medium-Low Density Residential), from RSL (Residential Small Lot) to ML (Medium Low Density Residential) and to modify the following sections of the Master Development Plan: Sections 2.2, 2.3.5, 2.3.6 and 2.3.7; to modify or add to the Design Guidelines as follows: Sections 3.1.1, 3.2.3B, 5.10, 5.10.1, 6.2.1, 6.2.2, 6.2.3, 7 and Exhibits 2, 7a, 7b, 8a, 14a, 14b, 14c, 15 and 17 on 1,156 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.

11/16/05	The City Council approved a request for a Major Modification to the Cliff's Edge Master Development Plan and Design Guidelines (MOD-9174) to establish standards for rear loaded residential small lot housing products and to add section 3.2.5b to the Design Guidelines on 1,156 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli. The Planning Commission and staff recommended approval.
03/13/06	The Planning and Development Department administratively approved a request for a Minor Modification to the Cliff's Edge Master Development Plan and Design Guidelines (MOD-10809) to revise and clarify Section 6 (Entry and Wall Guidelines) of the Cliff's Edge Master Development Plan and Guidelines.
02/15/06	The City Council approved a request for a Major Modification to the Cliff's Edge Master Development Plan and Design Guidelines (MOD-10531) to change land use designations from M (Medium Residential) to RSL (Residential Small Lot), to modify Section 2.2 and the accompanying exhibit of the Master Development Plan and to modify Section 2.1, Exhibit 2-4 of the Design Guidelines to reflect changes to the land use categories on two separate parcels (Pod 113 - located on 17.1 acres adjacent to the southwest corner of Farm Road and Hualapai Way and a portion of Pod 308 - located on 9.12 acres adjacent to the northeast corner of Centennial Parkway and Shaumber Road). The Planning Commission and staff recommended approval.
08/10/06	The Planning Commission tabled a Tentative Map (TMP-14763) for a 163-lot single family residential subdivision on 9.12 acres adjacent to the northeast corner of Centennial Parkway and Shaumber Road (aka Pod 308) at the applicant's request.
04/04/07	The City Council approved a request for a Major Modification to the Cliff's Edge Master Development Plan and Design Guidelines (MOD-19114) to clarify certain setback, landscape, design, wall, architectural projection separation and balcony separation standards, to allow three-story single family dwellings with a maximum height of 38 feet and to add a sign standard section. The Planning Commission and staff recommended approval.
09/19/07	The City Council approved a request for a Major Modification to the Cliff's Edge Master Development Plan and Design Guidelines (MOD-22968) to change the land use designation from RSL (Residential Small Lot) to M (Medium Density), to modify Section 2.2 and the accompanying Table 1 of the Master Development Plan and to modify Section 2, Exhibit 2 of the Design Guidelines to reflect changes to the land use categories on a parcel, noted as a portion of Pod 308 and located on 9.12 acres at the northeast corner of Centennial Parkway and Shaumber Road. The Planning Commission and staff recommended approval.
02/20/08	The City Council approved a request for a Site Development Plan Review (SDR-25985) for a 234-unit, three-story condominium development on 11.3 acres at the northeast corner of Centennial Parkway and Shaumber Road. The Planning Commission and staff recommended approval of this request.

07/10/08	<p>The Planning Commission recommended approval of companion items SDR-28324 concurrently with this application.</p> <p>The Planning Commission voted 4-3/sd, vq to recommend APPROVAL (PC Agenda Item #25/dc).</p>
<i>Related Building Permits/Business Licenses</i>	
There are no relevant building permits or business licenses associated with this application.	
<i>Pre-Application Meeting</i>	
05/01/08	A pre-application meeting was held where elements of a Major Modification to an approved Site Development Plan Review and a Variance submittal were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required for this application, nor was one held.	
<i>Field Check</i>	
06/04/08	A field check was performed by staff at the subject site. The site was noted to be vacant, undeveloped desert which generally sloped downward from northwest to southeast.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	9.12

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development)	PD (Planned Development) M (Medium Density Residential) Cliff's Edge Special Land Use Designation
North	Undeveloped	PCD (Planned Community Development)	PD (Planned Development) PF (Public Facilities) Cliff's Edge Special Land Use Designation
South	Undeveloped	PCD (Planned Community Development)	U (PCD) [Undeveloped (Planned Community Development)]
East	ROW (CC 215), Undeveloped	ROW (CC 215), PCD (Planned Community Development)	ROW (CC 215), U (PCD) [Undeveloped (Planned Community Development)] M (Medium Density Residential) Cliff's Edge Special Land Use Designation

West	Undeveloped, Vacant Single- Family Home Lots	PCD (Planned Community Development)	PD (Planned Development) RSL (Residential Small Lot) and ML (Medium Low Density Residential) Cliff's Edge Special Land Use Designation
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Cliffs Edge	X		N*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		N	N/A
Trails		N	N/A
Rural Preservation Overlay District		N	N/A
Development Impact Notification Assessment		N	N/A
Project of Regional Significance		N	N/A

* The proposed parking Variance is not in conformance with the standards listed in the Cliff's Edge Master Plan area.

DEVELOPMENT STANDARDS

All development within the Cliff's Edge Master Plan area is subject to the Cliff's Edge Master Development Plan and Design Guidelines. The Master Developer has the sole responsibility to enforce the Design Guidelines for L (Low Density Residential), ML (Medium Low Density Residential) and RSL (Residential Small Lot) developments. However, the City and the Master Developer have joint responsibility to enforce the Design Guidelines with respect to M (Medium Density Residential) and VC (Village Commercial) developments. Such developments shall be reviewed first by the Master Developer, then by the City in accordance with the procedure set forth in the Development Agreement between the City and the Master Developer.

Parking Requirement							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Medium Density Development	1 Bedroom Units: 176	1.25 Spaces / Unit	220 Spaces		220 Spaces		
	2 Bedroom Units: 58	1.75 Spaces / Unit	102 Spaces		102 Spaces		
	Guests for 234 Units	0.2 Spaces / Unit	39 Spaces	8 Spaces	22 Spaces	18 Spaces	
Sub-total			361 Spaces	8 Spaces	344 Spaces	18 Spaces	
TOTAL (including handicap)	234 Units		369 Spaces		362 Spaces 1.89 % Deviation		N*

* Pursuant to Section 3.2.1 of the Cliff's Edge Master Development Plan and Design Guidelines 369 spaces are required for this development. The applicant has indicated that 362 spaces will be provided, of those spaces 18 will be handicap accessible. This Variance has been submitted to allow 362 parking spaces where 369 are required.

ANALYSIS

This application is a request to allow 362 parking spaces where 369 are required for a proposed condominium development located within the Cliff's Edge Master Plan planning area at the northeast corner of Centennial Parkway and Shaumber Road. This development was originally approved through Site Development Plan Review (SDR-25985) to provide 380 parking spaces, however the applicant has stated that several site grading issues were not taken into account when designing the project. As a result, the surface parking areas have been rearranged and now accommodate less parking than what is required for the site.

In redesigning the site in order to accommodate for grade changes, the applicant chose to keep the density and number of condominium units for the proposed development the same as what had been previously approved. By reducing the amount of required parking but keeping the number of dwelling units the same, the applicant has created a parking shortage on site. As this is a residential community, the intensity for the development will remain consistent over time and a reduction in parking will create a long-term irreversible hardship and inconvenience for homeowners. A reduction in scope of the proposed development or a re-orientation of site layout could solve the parking constraint. The proposed development in its current state represents overbuilding of the site; therefore staff recommends denial of this Variance.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by not reorientating the site layout or scaling back the proposed development. Alternatively, the building placement, open space areas and handicapped parking stalls could be rearranged in a manner which would accommodate additional parking without deviation from Cliff’s Edge Standards or scaling back in the scope of the development would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

The Planning Commission added condition #1 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

5

ASSEMBLY DISTRICT

13

SENATE DISTRICT

9

<u>NOTICES MAILED</u>	66 by Planning Department
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	2
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